



U.S. Department of Justice

United States Attorney  
Southern District of New York

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

March 5, 2020

**FILED BY ECF**

The Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square, Courtroom 1306  
New York, New York 10007

**Re: *United States v. Ali Sadr Hashemi Nejad*, 18 Cr. 224 (AJN)**

Dear Judge Nathan:

Last night, defense counsel provided the Government with five exhibits that they intend to use with the witness from Citibank tomorrow. The Government objects to three of those exhibits, for the reasons outlined below.

**1. Defense Exhibit 96** is a 2016 report issued by FATF (the Financial Action Task Force – “an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction.”). The Government opposes the report’s admission for several reasons. First, the report is hearsay, for which the government does not believe any exception applies. Second, the report itself states that it merely provides “guidance” to the financial sector; FATF does not set binding rules that banks and other financial institutions in the United States must follow. Third, the report is dated 2016, after the conduct charged in the conspiracy. Thus, this report, and its contents, are irrelevant hearsay and likely would cause juror confusion. Moreover, the Government does not have any reason to believe that Mr. Peri would be able to authenticate this document

**2. Defense Exhibit 1901** is another FATF report from 2019 titled “International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation,” which is 134 pages long. The Government object to this report’s admission because it is outside the scope of the conduct charged; it is irrelevant hearsay; would cause jury confusion given its length and breadth; and the Government does not expect that the witness will be able to authenticate it.

**3. Defense Exhibit 1902** is a 2017 publication from the Wolfsberg Group (a banking association) titled “Payment Transparency Standards.” The Government objects to the admission of this document on the same grounds. While Citibank is a member entity of the group, this

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document again consists of irrelevant hearsay, merely propounding non-binding, recommended standards for the financial industry, which, thus, would only serve to confuse the jury. It should not be admitted.

Respectfully submitted,

GEOFFREY S. BERMAN

United States Attorney

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cc: Defense Counsel (by ECF)